

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

LARRIE HOPE

Plaintiff(s),

V.

RICHARD ALLEN, ET AL.

Defendant(s).

CASE NO.: 2:07-CV-210-T

RESPONSE TO ORDER DATED JULY 30, 2007

COME NOW the Defendants, **Allen, Rowell, Barrett, Bolling, Clay, Barber, Pettaway, Dinkins, Smith, and Baggett**, by and through undersigned counsel, and in accordance with this Honorable Court's Order dated July 30, 2007, offer the following:

Plaintiff's first assertion: "In Defendants Response in their Special Report on May 17, 2007, Defendants failed to produce all medical records in regard to the 7/06/06 incident that are relevant to the Plaintiff claims." (Doc. 31, p. 1)

Defendants' response: Defendants included in Exhibit 8 to their Special Report a copy of the medical exam conducted on Larrie Hope after the incident on July 6, 2006. A medical official reviewed Larrie Hope's medical file, and this is the only document concerning this incident.

Plaintiff's second assertion: "Defendants also failed to produce institutional investigation reports in regard to the 7/6/06 incident." (Doc. 31, p. 1)

Defendants' response: In reviewing the incident report submitted by Defendants, the page containing Captain Barrett's statement was inadvertently not submitted with the incident report. This page of the incident report is submitted as **EXHIBIT A** to this submission.

Respectfully submitted,

TROY KING
Attorney General

/s/ Ellen Leonard
Ellen Leonard (LEO008)
Assistant Attorney General

ADDRESS OF COUNSEL:

Office of the Attorney General
11 South Union Street
Montgomery, AL 36130
(334) 353-8699
(334) 242-2433 - fax

CERTIFICATE OF SERVICE

I hereby certify that I have, this the 9th day of August, 2007, electronically filed the foregoing with the Clerk of Court using the CM/ECF system, and that I have further served a copy of the foregoing upon the Plaintiff, by placing same in the United States Mail, postage prepaid and properly addressed as follows:

Larry Hope, AIS 181215
Kilby Correctional Facility
P. O. Box 150
Mt Meigs, AL 36057

/s/ Ellen Leonard
Ellen Leonard
Assistant Attorney General

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CONTINUATION SHEET

Institution:

Incident Number:

KCF**KCF 06-552**

Date:

Type of Incident: Threats/

July 6, 2006**Assault on a Person's Assoc. w/ADOC/ Use of Force**

Narrative Summary (Continued) Page No. 2

ADENDEM TO 302 ON LARRY HOPE, B/181215

On July 06, 2006 at approximately 5:15 PM Capt. Bobby Barrett was informed of an altercation in Kilby's Segregation Unit. When informed, Capt. Barrett was at his resident but inquired and received information about the incident from Lt. Carl Clay and Capt. Leon Bolling.

On July 7, 2006 at approximately 8:30 am Capt. Barrett entered his office and began to read all reports and statements. At approximately 2:00 PM Capt. Barrett spoke with Lt. Clay, Officer Anthony Barber, Officer Roosevelt Pettaway, and Officer Tericus Denkins. The question Capt. Barrett wanted clarification on was why did they allow inmate Hope to exit the shower unrestrained after cursing and threatening the officers. Officer Pettaway answered my question the same way as in his statement. Capt. Barrett explained that all threats should be taken seriously especially in a segregation unit. Capt. Barrett also explained that a supervisor should have been called for to dissolve the situation rather than having it escalate.

Based on the fact that inmate Hope was being treated as a protective custody inmate instead of as an administration segregation unit is really not an issue. Protective Custody inmates are being protected from other inmates, not from staff. While investigating this incident and speaking to Warden Willie Rowell, Capt. Barrett feels this incident should be handed over to I & I for further investigation because of Hope's comments that Officer Pettaway is always messing with him and the fact that Hope has threatened to kill an officer.



Capt. Bobby Barrett

EXHIBIT

A

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